

## Message Text

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45

ORIGIN NEA-12

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DRAFTED BY NEA/ GRK: WJSILVA: PR

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L/ M - SHAMWELL ( DRAFT)

DESIRED DISTRIBUTION

JUSTICE - MR. RISTAU; TREASURY - USSS

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O 091729 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY ATHENS IMMEDIATE

C O N F I D E N T I A L STATE 065250

E. O. 11652: GDS

TAGS: CASC, CFED, GR US ( KALAFATIS, JAMES) ( AMBROSE, JOHN)

SUBJECT: SECRET SERVICE AGENTS KALAFATIS AND AMBROSE

SUBPOENA FOR TRIAL AT LEFKAS

REF: ATHENS 2048

1. USSS INFORMED DEPARTMENT THAT APPEARANCE AGENTS KALAFATIS AND AMBROSE WILL NOT SERVE U. S. INTERESTS AND THAT, THEREFORE, THEY WILL NOT APPEAR.

2. RE PARA 3 PROPOSED NOTE TO MFA ( PARA 1 REFTTEL), EMBASSY SHOULD BE AWARE THAT FACT THAT KALAFATIS AND AMBROSE WERE AT THE TIME OF THE INCIDENTS BEARERS OF DIPLOMATIC PASSPORTS DOES NOT CONFER IMMUNITY FROM PROSECUTION.

3. WE LEAVE TO DISCRETION EMBASSY WHETHER IT USEFUL BRING CASE TO ATTENTION MFA. IF EMBASSY ELECTS TRANSMIT NOTE, IT SHOULD BE SIMPLE RECITATION FACTS AND CONTAIN NO SUGGESTION MFA SHOULD ACT TO INTERRUPT PROCESS OF CASE ON BASIS ANY CLAIM TO " DIPLOMATIC IMMUNITY". THEREFORE, LANGUAGE SUCH AS THAT CONTAINED PARA 3 DRAFT NOTE SHOULD NOT RPT NOT BE FORWARDED.

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4. IF MFA WISHES RECOGNIZE IMMUNITY OFFICERS UNDER CIRCUMSTANCES, DEPARTMENT OF COURSE HAS NO OBJECTION;

HOWEVER, COMPARABLE TREATMENT COULD NOT BE ASSURED GOG OFFICERS IN U. S. UNDER COMPARABLE CIRCUMSTANCES. APPROACH PROPOSED PARA 3 REFTEL UNDER CONSIDERATION. EMBASSY WILL BE ADVISED.

5. EMBASSY SHOULD SUGGEST LAMBADARIOS CONSULT WITH WHOSE NAMES WILL BE PUT FORWARD TO THE COMMITTEE BY GOVERNMENTS AND WHO WOULD BE AVAILABLE, WITH THE CONSENT OF THEIR GOVERNMENT IN THE CASE OF GOVERNMENT EMPLOYEES, TO BE CALLED UPON BY THE GOVERNMENT OF AN IMPORTING COUNTRY DESIRING THEIR SERVICES. THE IMPORTING COUNTRY WOULD BEAR THE EXPENSES INVOLVED."

4. WE WILL PROBABLY HAVE DIFFICULTIES WITH OTHER PARAGRAPHS AGREED ON DRAFTING COMMITTEE BECAUSE OF BYRD AMENDMENT. WORKING PAPER PARAGRAPH 2 IS CASE IN POINT ALTHOUGH AMBIGUITIES IN WORDING SUFFICIENT TO ALLOW ACCEPTANCE WITHOUT DISCLAIMER. OTHER PARAGRAPHS MAY NOT BE AS HELPFULLY AMBIGUOUS AND IT MAY BE NECESSARY TO ENTER COMPREHENSIVE RESERVATION RE BYRD IMPORTS IN NON-AGREED SECTION OF COMMITTEE REPORT. IF REPORT UNANIMOUSLY ACCEPTED WE WOULD HAVE TO CONSIDER STATEMENT IN COUNCIL WHEN COMMITTEE REPORT ADOPTED. WOULD APPRECIATE MISSION'S VIEWS. ROGERS

LIMITED OFFICIAL USE

\*\*\* Current Handling Restrictions \*\*\* n/a

\*\*\* Current Classification \*\*\* CONFIDENTIAL

## Message Attributes

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